



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,748-01

EX PARTE ARTHUR RAY COLLIER, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
IN CAUSE NO. 23642-A IN THE THIRD DISTRICT COURT
ANDERSON COUNTY**

***Per curiam.* YEARY, J., dissented.**

O P I N I O N

Applicant was convicted of burglary of a vehicle in 1998 and sentenced to five years' confinement. He did not appeal. His sentence discharged in 2003. Applicant filed this application for a writ of habeas corpus in the county of conviction in 2020, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

In the application, Applicant contends that he is entitled to an out-of-time appeal because trial counsel failed to advise him of his right to appeal. Although he concedes that he has discharged his sentence in this case, Applicant asserts that "harm exists"

because his conviction “could lead to an enhancement of a felony committed after his release.”

Applicant has not sufficiently alleged that he is presently suffering consequences as a result of this conviction. *See Ex parte Harrington*, 310 S.W.3d 452 (Tex. Crim. App. 2010). Thus, he has not shown that he is “confined” for the purpose of an Article 11.07 writ of habeas corpus, nor has he invoked the Article 11.07 habeas jurisdiction of this Court. *See* TEX. CODE CRIM. PROC. art. 11.07 § 3(c) (defining “confinement”).

Applicant’s application is dismissed.

Delivered: April 12, 2023

Do not publish